

United States District Court

WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

KHALED HARLEEM

CRIMINAL COMPLAINT

CASE NUMBER: 06-M-1052

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

On or about April 14, 2006, in Erie and Niagara Counties, in the Western District of New York, the Defendant did knowingly and willfully execute and attempt to execute a scheme to defraud a federally insured financial institution in violation of Title 18, United States Code, Section 1344. I further state that I am a Special Agent, United States Secret Service and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: (☒) Yes () No



Vincent Merlino
Signature of Complainant

Sworn to before me and subscribed in my presence,

June 8, 2006

Date

at Buffalo, New York

City and State

Hon. Leslie G. Foschio
United States Magistrate Judge

Name & Title of Judicial Officer



Signature of Judicial Officer

FILED
U.S. DISTRICT COURT
W.D. of N.Y.
6/8/06
AT 10:00 M.
BY [Signature]
TITLE [Signature]

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

VINCENT MERLINO, being duly sworn, deposes and says that:

1. I have been a Special Agent with the United States Secret Service for six years. As part of my duties as a Special Agent, I investigate, among other things, allegations of bank fraud and violations of the laws and regulations of the United States. I submit this affidavit in support of a criminal complaint charging the defendant KHALED HARLEEM with bank fraud, in violation of Title 18, United States Code, Section 1344.

2. The information in this affidavit is based upon my participation in the investigation of this matter, conversations with Citizen's Bank fraud investigator, Geri Wutz and the review of documents obtained as part of my investigation.

3. For the reasons set forth below, probable cause exists to believe that on April 14, 2006, the defendant, KHALED HARLEEM, personally and knowingly cashed (8) eight counterfeit commercial Spherion Inc. payroll checks at (8) eight separate Citizen's Bank locations, all located in the Western District of New York.

4. Citizen's Bank is an FDIC insured institution and is the victim in this case.

5. Spherion Inc. is the commercial account on which the counterfeit checks were drawn. Jay Cutler, owner of Spherion, stated that KHALED HARLEEM was an employee of Spherion but has not been employed by Spherion since November of 2003. KHALED HARLEEM was not entitled to any payroll checks since November of 2003.

6. The (8) eight checks presented and cashed at the Citizen's Banks were deemed counterfeit based on the following:

a. A comparison of a genuine Spherion payroll check with the checks cashed on April 14, 2006 show numerous discrepancies, including but not limited to the Spherion logo, font size and font style of all visible identifiers. The counterfeit checks utilized actual account/routing information.

b. Spherion provided a list of the valid checks numbers along with the accompanying employee names associated with each check issued that day. The (8) eight counterfeit checks used consecutive check numbers duplicated within the parameters of the valid check numbers issued that week's payroll. Valid check numbers change on a weekly basis as new blocks are printed.

c. Each of the (8) eight counterfeit checks were issued to KHALED HARLEEM.

7. My investigation has revealed that KHALED HARLEEM entered (8) different Citizen's Banks located throughout the Western District of New York, on April 14, 2006, and at each location cashed a Spherion payroll check made payable to him as described below. Each transaction was captured on bank security cameras with the exception of the 15:50 transaction which was unable to be downloaded because of a system malfunction.

Time on April 14, 2006	Citizen Bank Address	check # DATE ON CHECK	check amount	video of transaction
12:04	1275 Jefferson Ave. Buffalo, N.Y.	#94459 4/14/06	\$359.11	yes
12:19	1770 Broadway Buffalo, N.Y.	#94452 4/14/06	\$363.41	yes
12:44	2101 Elmwood Ave. Buffalo, N.Y.	#94455 4/14/06	\$361.09	yes
14:09	7200 Niagara Falls Blvd. Niagara Falls, N.Y.	#94453 4/14/06	\$363.08	yes
14:37	1000 Portage Rd., Niagara Falls, N.Y.	#94454 4/14/06	\$362.47	yes
15:05	8298 Niagara Falls Blvd. Niagara Falls, N.Y.	#94456 4/14/06	\$361.88	yes
15:50	1893 Elmwood Ave. Buffalo, N.Y.	#94457 4/14/06	\$361.45	No
16:32	1460 South Park Ave. Buffalo, N.Y.	94458 4/14/06	\$352.07	yes
	TOTAL		\$2,884.56	

8. My investigation further reveals that at each Citizen's Bank location, KHALED HARLEEM presented (1) one counterfeit commercial check to the bank teller and received the designated amount in cash for each transaction. At each location, he presented his New York State Driver's License for the purpose of photo identification.

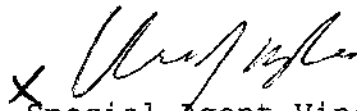
9. As part of the bank's Standard Operating Procedures, the bank teller records the Driver's License number on the front of each check cashed. The same driver's license number is recorded on all the checks cashed.

10. The New York Department of Motor Vehicles verified that Driver's License number on those checks is issued to KHALED HARLEEM. I have compared the New York State Department of Motor Vehicles driver's license photo of KHALED HARLEEM, taken on February 2, 2006, with the surveillance video from the (8) eight different Citizen's Bank locations and it is my belief that the person shown on the KHALED HARLEEM'S driver's license is the same person depicted in the surveillance videos.

11. I have also compared the signature used by KHALED HARLEEM on his February 2, 2006 driver'S license and his signature from a Spherion employment application dated October 2, 2003. It is my

belief that these signatures match the signatures used to endorse the counterfeit checks cashed on April 14, 2006.

Based upon the foregoing, there is reasonable cause to believe that KHALED HARLEEM did knowingly execute and attempt to execute scheme to defraud Citizen's Bank, by cashing a series of counterfeit payroll checks, in violation of Title 18, United States Code, Section 1344.



Special Agent Vincent Merlino
United States Secret Service

Sworn to before me this
8th day of June, 2006



THE HONORABLE LESLIE G. FOSCHIO
United States Magistrate Judge